

**REMARKS**

In response to the Office Action dated February 11, 2003, Applicants respectfully request reconsideration and withdrawal of the objections and rejections.

Claims 22 and 23 were objected to, as being substantial duplicates of one another. In response thereto, the dependency of claim 22 has been amended. As a result, it is respectfully submitted that they are no longer substantial duplicates, since their respective scopes differ from one another.

The Office Action states that Non-Patent Literature Documents cited in the Information Disclosure Statement filed June 20, 2002 have not been considered, because copies of these documents were not submitted. However, as pointed out in the last paragraph of the Information Disclosure Statement, these Non-Patent Literature Documents were previously submitted in parent Application No. 09/722,520. Pursuant to 37 CFR §1.98(d), since the present application claims priority from that earlier application under 35 U.S.C. §120, Applicants are not required to submit additional copies of the references. Accordingly, consideration of the Non-Patent Literature Documents is submitted to be in order, and is respectfully requested.

All pending claims were rejected under the second paragraph of 35 U.S.C. §112, as being indefinite. A number of the grounds of rejection appeared to be based upon a misunderstanding of the relationship of the background layers to the graphical elements. In the context of the present invention, a background layer comprises a component of the graphical element. Thus, for example, claim 1 recites "graphical elements that are printed on the front and back surfaces of the substrate *with* background layers..." This relationship is submitted to be readily apparent from the exemplary embodiment illustrated in Figure 3. For instance, one graphical element comprises an opaque background layer 150 in combination with a colored layer 160b. Another graphical element comprises a combination of a translucent background layer 152 and a colored layer 160c. A third graphical element has the color layer 160a printed directly on the surface of the card body

110, to effectively provide a transparent background layer. In another example, the graphical element can include two colored layers 160e and 160f, respectively printed on opposite sides of the background layer 151.

When viewed from this standpoint, namely that the background constitutes a component of the graphical element, it is believed that a number of the grounds of rejection are overcome. To avoid possible misinterpretation, some of the claims have been amended to explicitly recite that the graphical elements include the background layers.

As another ground of rejection, the Office Action questions how Applicants can claim "a non-opaque card" when some of the background layers are recited to be opaque. In the context of the present invention, the card is non-opaque from an *overall* standpoint, since the body of the card, e.g. the core stock sheets, are non-opaque. Of course, the particular areas in which the graphical elements are located may be opaque, depending on their background layer and/or the printing process employed. The recitation of a "non-opaque card" connotes the fact that the card has a generally non-opaque appearance. To avoid any confusion, however, the claims have been amended to remove the word "non-opaque" in their preambles.

Claims 1-17 and 26-29 were also rejected under the second paragraph of 35 U.S.C. §112, on the grounds that they were considered to be incomplete. A number of the bases for this ground rejection are submitted to be overcome by the foregoing discussion. Specifically, since the background layers are components of the graphical elements, their relationship to the other claimed structures are believed to be readily apparent.

The other bases for this ground of rejection appear to be directed to the breadth of the claims, rather than any failure to recite essential subject matter. For example, as disclosed in the specification, the filter dye can be incorporated into the structure of the card in a number of different ways. 35 U.S.C. §112, should not be interpreted to require Applicants to limit their claims to a specific one of those embodiments. Hence, the fact

that the claims cover multiple disclosed embodiment is not a reason to reject them as being incomplete.

It is respectfully submitted that, when the claims are interpreted in light of the disclosure, the relationships of the claimed elements are readily understood by one of ordinary skill in the art. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6, 11 and 13-17 were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by the Kiekhaefer '188 patent. This patent discloses a transparent or translucent financial transaction card having an infrared light filter. It is respectfully submitted, however, that it does not contain any disclosure relating to graphical elements on such a card, such as letters, numbers, images, symbols, etc. More particularly, it does not contain any disclosure suggesting the use of different levels of opacity for background layers in graphical elements, to produce a virtual three-dimensional effect in a presentation of images.

The Office Action makes reference to portions of the Kiekhaefer patent that discuss the use of colorants and tints. However, such disclosure is not presented in the context of graphical elements appearing on the card. Rather, these colorants and tints are employed for the purpose of producing an aesthetically pleasing color for the card, from an overall perspective. See, for example, the passage at column 2, lines 57-59 (cited in the Office Action).

Since the Kiekhaefer patent does not contain any disclosure relating to graphical elements that are printed on a translucent or transparent card, it cannot be considered to anticipate the subject matter of claims 1-6, 11 or 13-17.

All other pending claims were rejected under 35 U.S.C. §103 on the basis of the Kiekhaefer '188 patent, either by itself or in view of the Takahashi et al. patent. Since the Kiekhaefer patent does not contain any disclosure pertaining to graphical elements on a transparent or translucent card, as discussed above, it does not render the subject matter of

any of these claims obvious to one of ordinary skill in the art. Similarly, the Takahashi et al. patent does not contain any such disclosure. Rather, it is directed to an infrared ray blocking transparent film, *per se*. Since neither of the two references are directed to the printing of graphical elements on a non-opaque card, and more particularly since neither of them contain any disclosure suggesting the graphical elements can be printed in a manner that produces three-dimensional effects, they cannot be deemed to teach the claimed subject matter to a person of ordinary skill in the art. Reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are therefore respectfully requested.

After receiving the Office Action, Applicants' undersigned representative attempted to contact Examiner Nguyen, in an effort to meet with the Examiner to demonstrate samples of cards employing the features of the present invention, and thereby clarify some of the issues raised in the Office Action. Since Examiner Nguyen has left the employment of the U.S. Patent and Trademark Office, and the application has not been reassigned as of the date filing this Response, such a meeting could not take place. However, if the new Examiner believes that a demonstration of the sample cards would assist him or her in understanding the invention, he or she is invited to contact Applicants' representative at the number listed below, to arrange such a meeting.

Respectfully submitted,

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By: \_\_\_\_\_



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